

REMARKS

In an Office Action dated December 2, 2009, claims 17-20 were rejected under 35 U.S.C. § 112, second paragraph; claims 24 and 25 were rejected under 35 U.S.C. § 101; claims 1-20, 24 and 25 were rejected under 35 U.S.C. § 102(e) as being anticipated by Bosley; and claims 21-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dharmapurikar in view of Bosley.

Claims 21-23 have been cancelled. Claims 17-20 have been amended to overcome the corresponding § 112, second paragraph rejections.

Regarding the § 101 rejections, independent claim 24 has been amended to recite a means comprising a processor to store data objects; a means comprising a processor to form respective peer-to-peer data connections; means comprising a processor to store remote Bloom-filters; means comprising a processor to form a query; means comprising a processor to evaluate and select nodes; and means comprising a processor to send a query to a subset of the peer-to-peer data connections. With these changes, Applicant respectfully submits that the claims comply with the two prong test that is set forth in *In re Bilski*, 545 F.3d 943, 956 (Fed. Cir. 2008) (*en banc*). In this manner, as now amended, the means may not be constituted by pure software, as contended by the Examiner. Instead, claim 24 is tied to a processor, a machine, and as such, Applicant respectfully requests withdrawal of the § 101 rejections of claims 24 and 25.

As amended, the method of claim 1 recites for a given node of a plurality of nodes that are connected together, evaluating other nodes of the plurality of nodes to select one or more of the other nodes to propagate the search expression as a function of Bloom-filters and incentive-based criteria.

In order to anticipate a claim under 35 U.S.C. § 102, a single reference must teach each and every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). In fact, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Furthermore, in order for a reference to be anticipatory, "[its] elements must be arranged as required by the claim." *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990), *cited in* M.P.E.P. § 2131.

In the § 102 rejection of claim 1, the Examiner appears to rely on Bosley's disclosure of a contact list in paragraph no. [0141] for the selection of nodes to propagate a search expression as a function of Bloom-filters and incentive-based criteria. Office Action, p. 4. Paragraph no.

[0141] of Bosley merely discloses a contact status history that provides information about how many attempts have been made to contact a particular node in the past. However, this paragraph fails to disclose the propagation of a search expression based on incentive-based criteria. In this regard, after a certain number of attempts to contact the direct contact have failed, a new direct contact is made. Bosley, para. no. [0141]. This other contact is made using random selection. Bosley fails to disclose, however, evaluating multiple nodes to which a given node is connected for purposes of selecting nodes to propagate a search expression as a function of Bloom-filters and incentive-based criteria. Therefore, Applicant respectfully submits that claim 1 as amended overcomes the § 102 rejection.

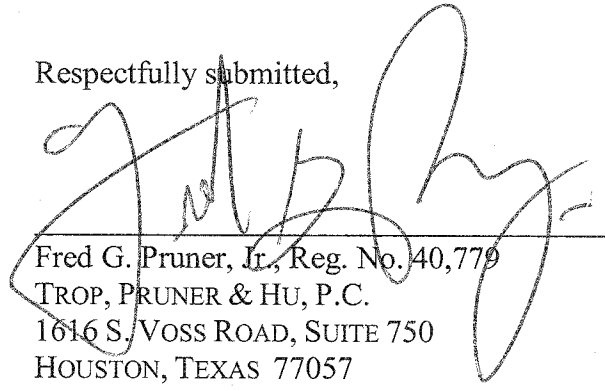
For similar reasons, independent claims 8, 16 and 24, as amended, overcome the § 102 rejections in view of Bosley. In this regard, claim 8, as now amended, recites a processing unit arranged to, for a given node, select other nodes that are connected to the node to select nodes to propagate a search expression based on incentive-based criteria; claim 16, as amended, recites a computer-readable storage medium having instructions stored thereon, which are executable on a processor for performing steps including for a given node, evaluating other nodes connected to the given node to select nodes to propagate a search expression based on incentive-based criteria and one or more Bloom filters; and claim 24, as amended, recites means comprising a processor to, for a given node, evaluate other nodes connected to the given node to select nodes to propagate a search expression based on Bloom filters and incentive-based criteria.

Dependent claims 2-7, 9-15, 17-20 and 25 overcome the §§ 103 rejections for at least the same reasons as the claims from which they depend.

CONCLUSION

In view of the foregoing, Applicant respectfully requests withdrawal of the §§ 101, 102, 103 and 112 rejections and a favorable action in the form of a Notice of Allowance. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 08-2025, under Order No. 200208216-1.

Respectfully submitted,



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